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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,678	02/16/2001	Gareth J. Mueckl	UEM-101US	3880

7590 05/09/2005
Donald J. Ersler
725 Garvens Ave.
Brookfield, WI 53005

EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,678

Applicant(s)

MUECKL ET AL.

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-29,31-37 and 39-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 20-29,31-37 and 39-43 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 2/22/05. These drawings are acceptable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 20-29, 31-37, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shishido et al (5,090,259) in view of Applicant's admitted prior art.

Shishido et al, in Figures 2, 6, 62, 84, and 91, discloses a pipe-inspecting apparatus using substantially the same method for televising the interior of a pipeline as specified in claims 20-29, 31-37, and 39-43 of the present invention, comprising the steps of attaching a camera 8 to a transporter (Fig. 1A); connecting electrically a power

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control unit 74 to the camera 8; connecting electrically a communication module 86 to the power control unit; connecting a receiver 3 to the communication module 86; placing the transporter in a pipeline 101; providing a master control module having a transmitter 92; and transmitting an electrical signal by a wireless communication 336 from the master control module to the receiver 3 to control the movement of the transporter.

With respect to claims 21-43, Shishido et al also discloses providing the pipeline with a manhole, lowering the transporter into the manhole, manipulating the operation of the transporter when lowering thereof (Fig. 84); providing an electrically powered tractor (A-C); disabling electrical power to the transporter when the master control module 336 is a predetermined distance (e.g. out of range) from the communication module; transmitting from the master control module to the communication module through an opaque barrier 91; providing the master control module with an on-off keyed signal 94; providing a video monitor 75 for viewing the output of the camera 8; providing a reel of electrical cable 1 connected between the power control unit 74 and the transporter, displaying the distance traveled by the transporter by monitoring the movement of the electrical cable 1 with an encoder (e.g. feed/take-up controller); and attaching the communication module 86 exterior (Fig. 2) or inside the power control unit (Fig. 6).

It is noted Shishido et al differs from the present invention in that it fails to particularly disclose any details of the camera operation. Applicant's admitted prior art, however, teaches the concept of such a well known tilting and panning camera (e.g. UEMSI Explorer).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Shishido et al and Applicant's admitted prior art before him/her, to exploit the common pan and tilt camera such as that made by UEMSI in the inspection apparatus of Shishido et al, in order to have the capability of panning from side to side or tilting up and down so that the entire pipeline interior surface 101 may be brought into view on an above-ground television monitor 75.

Response to Arguments

5. Applicant's arguments with respect to claims 20-29, 31-37, and 39-43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant asserts on page 13 of the Remarks that Shishido et al fails to disclose electrical power. However, column 21, lines 11-12 (and Applicant's admitted prior art), discloses the concept of such common electrically powered tractor (A-C) that allows a camera to be mounted.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee
Primary Examiner
Art Unit 2613

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